

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

DELAWARE STATE AND FEDERAL EMPLOYEES	:	
LOCAL 1029, LABORERS INTERNATIONAL	:	
UNION OF NORTH AMERICA, AFL-CIO,	:	
	:	
Charging Party,	:	<u>ULP No. 19-05-1182</u>
	:	
v.	:	Order of Dismissal
	:	
DELAWARE DEPARTMENT OF HEALTH AND	:	
SOCIAL SERVICES, DIVISION OF DEVELOPMENTAL:	:	
DISABILITIES SERVICES, STOCKLEY CENTER,	:	
	:	
Respondent.	:	

Appearances

Raymond G. Heineman, Esq., Kroll Heineman & Carton, for LiUNA Local 1029

Thomas Smith, Delaware Dept. of HR/SLREP, for DHSS/DDDS Stockley Center

1. The State of Delaware (“State”) is a public employer within the meaning of 19 Del.C. §1302(p) of the Public Employment Relations Act, 19 Del.C. Chapter 13 (“PERA”). The Department of Health and Social Services, Division of Developmental Disabilities Services (“DHSS/DDDS”) is an agency of the State and the Stockley Center is a facility of DHSS/DDDS located in Sussex County.

2. The Delaware State and Federal Employees Local 1029, Laborers International Union of North America, AFL-CIO, (“LIUNA 1029”) is an employee organization within the meaning of 19 Del.C. §1302(i). LiUNA 1029 is the exclusive bargaining representative of a unit of DHSS/DDDS employees who work at the Stockley Center and its satellite facilities, as defined in DOL Case 4, within the meaning of 19 Del.C. §1302(j).

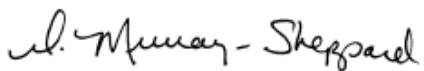
3. On or about May 10, 2019, LiUNA 1029 filed an unfair labor practice charge (“Charge”) asserting DHSS/DDDS violated 19 Del.C. §1307 (a)(1), and (a)(5), by “unilaterally chang[ing] established terms and conditions of employment by refusing to withhold and remit dues for employees, with less than nine months of service, who have executed dues authorization forms.” By this action, LiUNA 1029 alleges the employer has interfered with, restrained and coerced employees in the exercise of their right to organize, form, join or assist an employee organization, which are protected rights under 19 Del.C. §1303.

4. Prior to filing an Answer to the Charge, the State and LiUNA 1029 entered into discussions in an effort to resolve the dispute.

5. By email dated May 30, 2019, LiUNA 1029 advised the Public Employment Relations Board that the parties had reached an agreement which it expected would be signed promptly. LiUNA requested a conditional withdrawal of its charge, “... conditioned on the Charged Party fulfilling its obligations under the settlement.”

WHEREFORE, this unfair labor practice charge is dismissed, without prejudice.

DATE: June 7, 2019


DEBORAH L. MURRAY-SHEPPARD
Executive Director
Del. Public Employment Relations Bd.